



# Professional Standards Bureau

Misconduct Investigations Semi-Annual Report

July 1, 2020 – December 31, 2020

# Table of Contents

<b>Requirement</b> .....	3
<b>Executive Summary</b> .....	3
<b>Response</b> .....	4
A. Conflict-of-Interest Sustained Allegations .....	4
B. External Complaints.....	5
C. Civilian Complaint Analysis .....	13
D. Internal Complaints .....	14
E. Processing of Misconduct Cases.....	20
F. Outcomes of Misconduct Investigations .....	23
G. Persistent or Serious Misconduct .....	25
H. Patterns and Trends .....	26
I. Semi-Annual PSB Reviews of Investigations .....	33
<b>Conclusion</b> .....	34

## Requirement

The Maricopa County Sheriff requires the Professional Standards Bureau (PSB) to produce a semi-annual public report on misconduct investigations, including, at a minimum, the following: Summary information about sustained allegations that an employee violated conflict-of-interest rules; aggregate data on external complaints; analysis of civilian complaints received; aggregate data of internally-generated misconduct allegations; aggregate data on misconduct case processing; aggregate data on the outcomes of misconduct investigations; and aggregate data on employees with persistent or serious misconduct problems.

## Executive Summary

The Professional Standards Bureau (PSB) is required to submit a semi-annual public report on misconduct investigations involving Deputy Sheriffs, Detention Officers, Civilian employees, and volunteer Posse members. The purpose of this report is to provide an analysis of data collected from the IAPro database and supplemental spreadsheets between July 1, 2020 and December 31, 2020.

The MCSO saw an increase in the overall complaints received from the last semi-annual reporting period however the complaints received in 2019 and 2020 remain consistent overall. The most common external allegations received were unbecoming conduct and failure to meet standards. About 35% of external complaints arose from custody operations and about 29% arose from calls for service. The most common internal allegations received were employee relationships with other employees and failure to meet standards. Of all opened investigations, approximately 14% were assigned to divisions outside of the PSB and the remaining 86% were assigned to the PSB (criminal and administrative.) The average completion timeframe for district-level investigations was 165% over the required 60-day timeframe. The average completion timeframes for PSB-investigations were higher during this reporting period; approximately 546% over the required 85-day timeframe; and approximately 229% above the 180-day statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*. There were 229 misconduct investigations completed: 35% with a sustained disposition. Further research shows 49 employees had persistent misconduct (the subject of more than two misconduct investigations) and 6% received serious discipline, in which the employee received a suspension, demotion, or dismissal from employment.

## Response

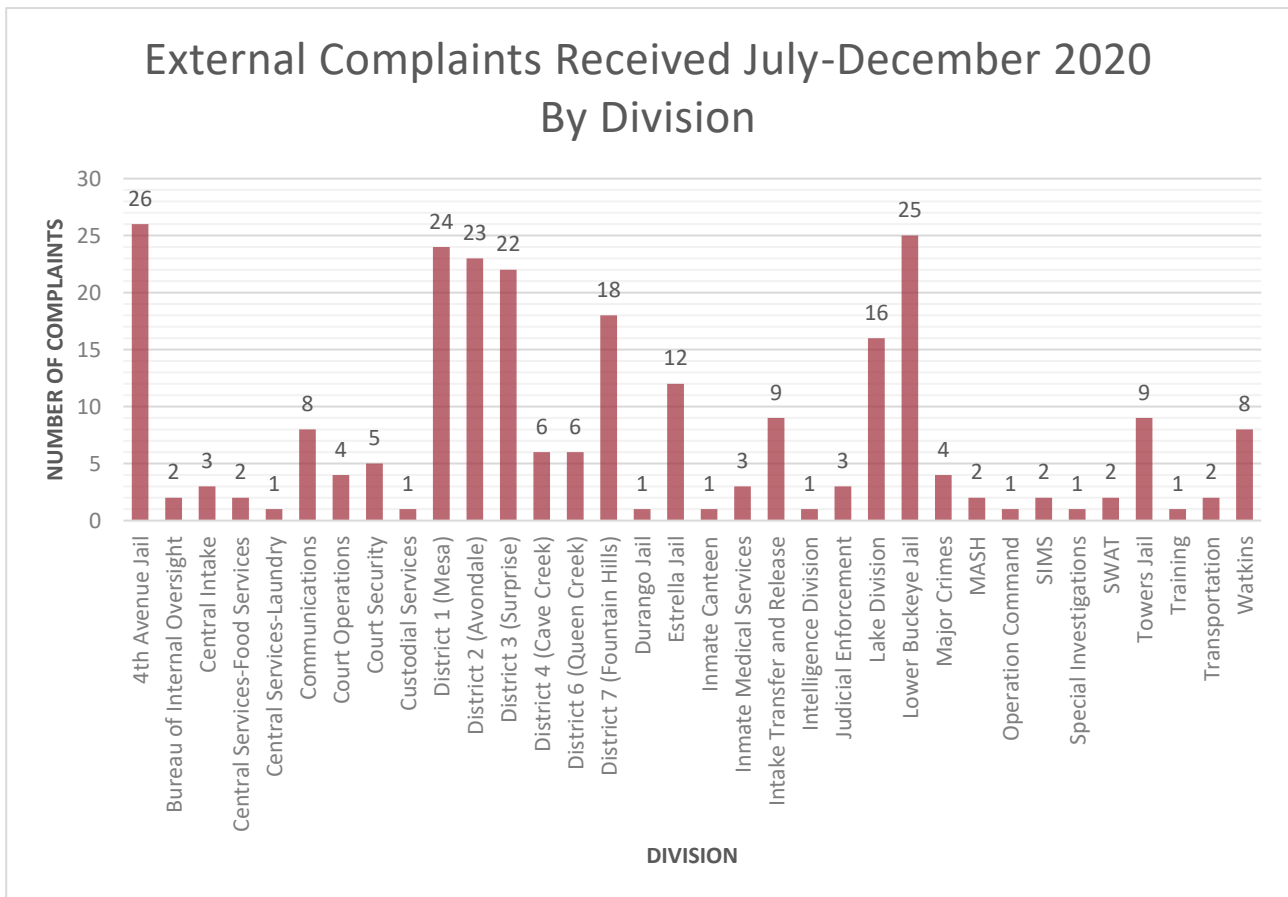
### A. Conflict-of-Interest Sustained Allegations

The Professional Standards Bureau (PSB) did not receive or generate any complaints regarding conflict-of-interest rules when conducting or reviewing misconduct investigations between July and December 2020.

## B. External Complaints

Based on the data, the MCSO received a total of 254 external complaints that resulted in PSB administrative investigations and criminal investigations from July 1, 2020 to December 31, 2020 officewide. There was one district (also known as a division) with the most external complaints; the 4<sup>th</sup> Avenue Jail with 26 complaints. Close behind was the Lower Buckeye Jail facility with 25 complaints, District 1 (Mesa) with 24, District 2 (Avondale) with 23, and District 3 (Surprise) with 22 complaints.

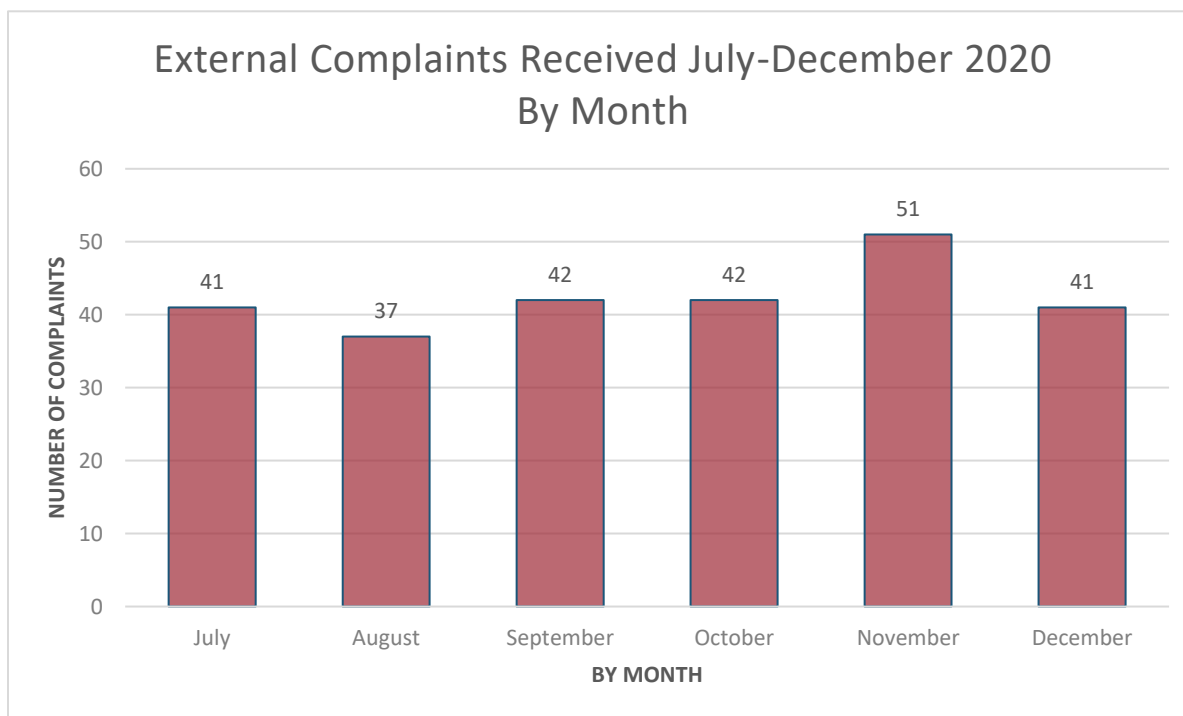
Figure 1 depicts the number of external complaints received between July and December 2020, differentiated by Division.



**Figure 1:** External Complaints, by District, received that resulted in an investigation between July and December 2020.

Within the 254 external complaints, the MCSO received 41 complaints in July, 37 complaints in August, 42 complaints in September, 42 complaints in October, 51 complaints in November, and 41 complaints in December. The allegations occurring most were those involving Code of Conduct practices (e.g., unbecoming conduct.) The approximate average of external complaints received each month was 42. In November, the MCSO received 51 complaints, an approximate 21% increase of complaints over the average.

Figure 2 depicts the number of external complaints received by month.

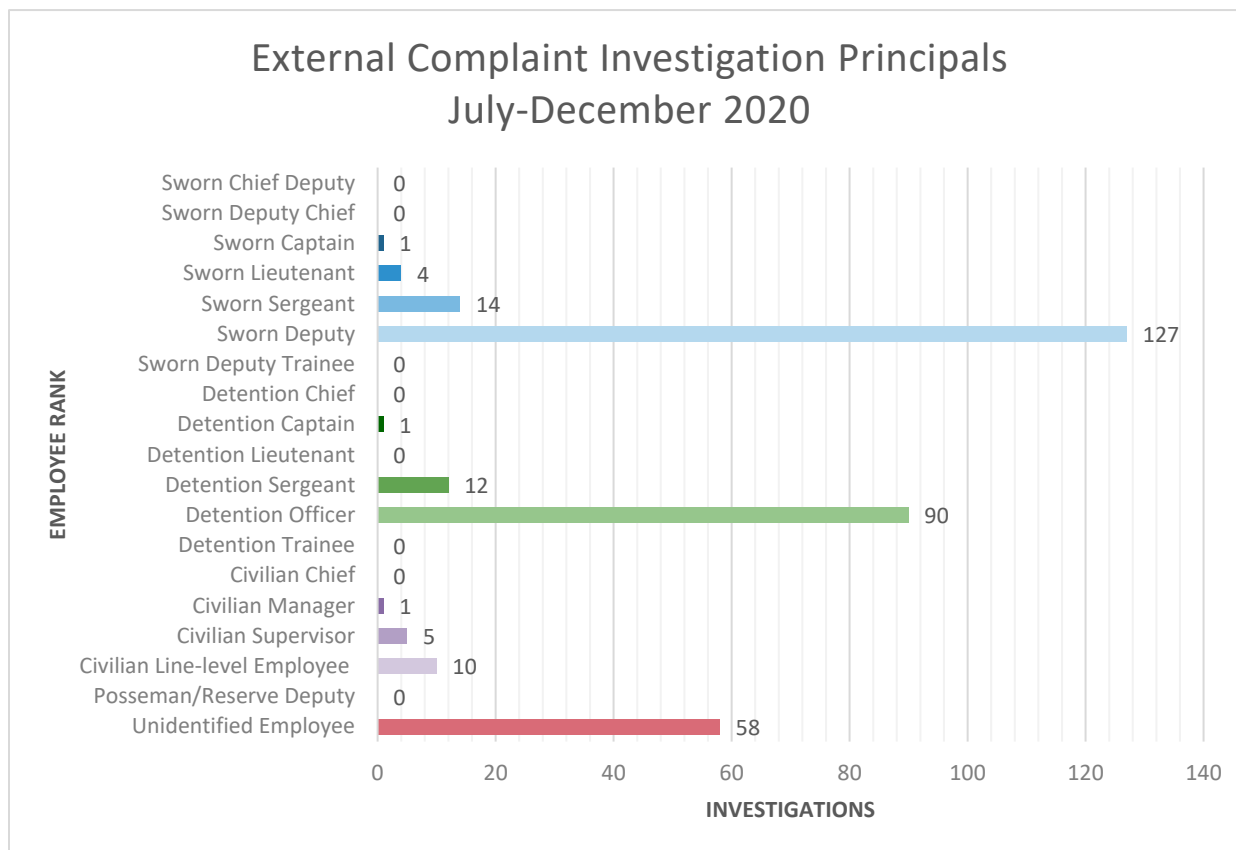


*Figure 2: External Complaints, by month, received from July to December 2020.*

It is important to note a single complaint can result in an investigation with multiple principals and allegations. Therefore, the number of external complaints resulting in an investigation (254) will not mirror the number of principals and allegations in this next subsection.

The “Sworn Deputy” rank was identified 127 times out of 323 total principals listed in external complaint investigations between July and December 2020.

Figure 3 depicts the ranks of principals identified in external complaint investigations during the reporting period listed.

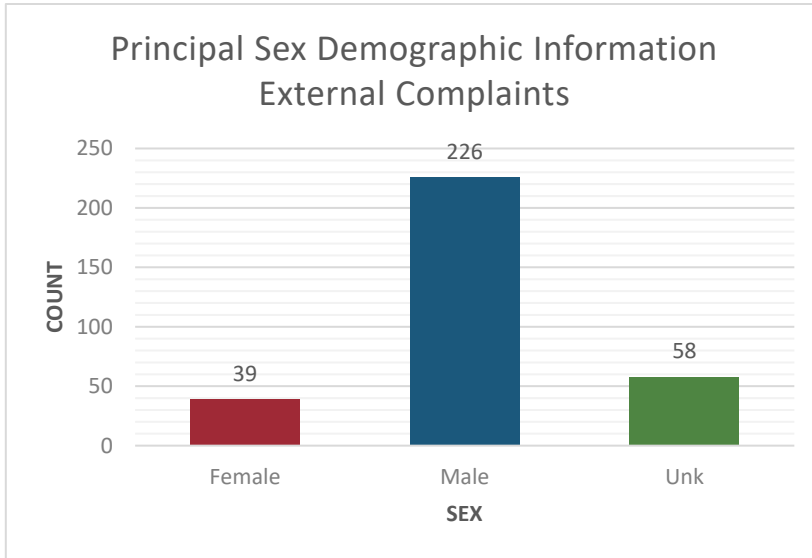


**Figure 3:** Rank of Principals in External Complaint Investigations between July and December 2020.

The following information in Figures 4, 5, and 6 consists of available demographic information<sup>1</sup> of MCSO employees named as the principal in External Complaint investigations.

The number of unknown employees identified as principals this reporting period was more than the number of unknown employees last reporting period.

<sup>1</sup> Data is based on known, compensated MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members/Reserve Deputies)



There were 226 identified male principals; approximately six times more than the number of identified females.

**Figure 4:**  
*Demographic of Principals between July and December 2020, by Sex.*

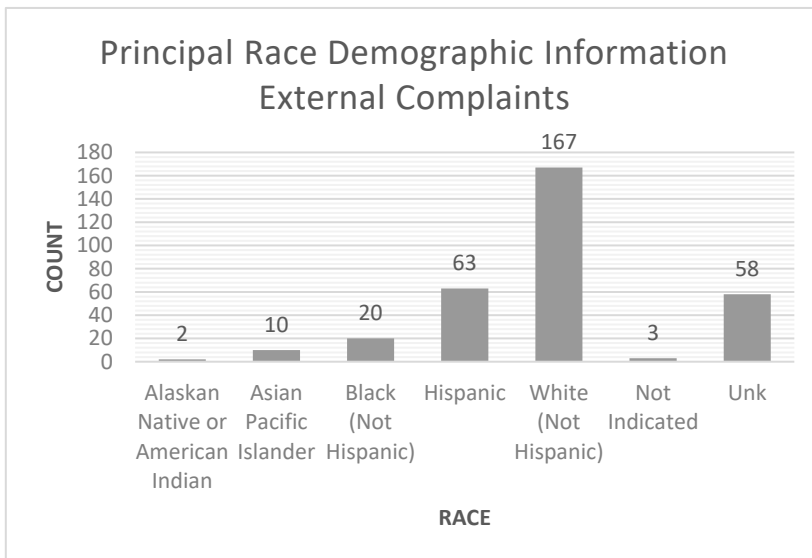


Figure 5 depicts 167 identified White (Not Hispanic) employees named as a principal in External Complaint Investigations; approximately 52% of the 323 principal employees.

**Figure 5:**  
*Demographic of Principals between July and December 2020, by Race.*

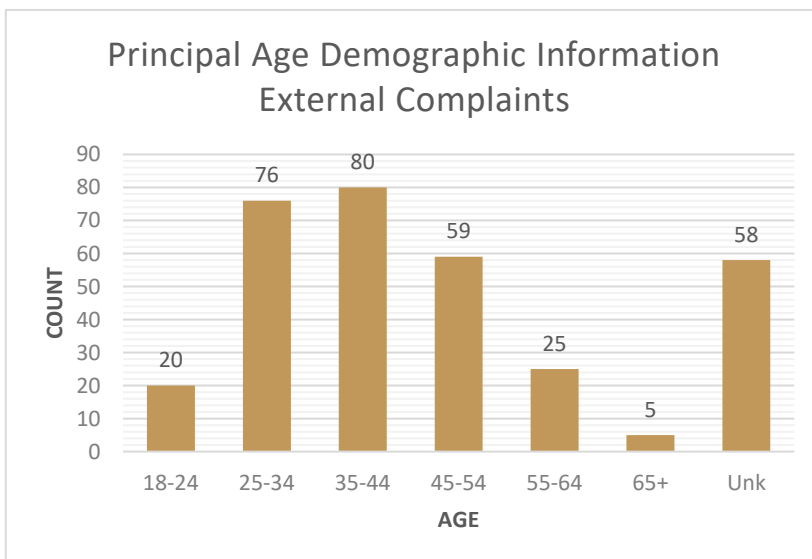


Figure 6 shows known External Complaint Principals are commonly between the ages of 35-44, which coincides with an average age of 40 years old.

**Figure 6:**  
*Demographic of Principals between July and December 2020, by Age.*

The MCSO does not collect external complainants’ demographic information during the complaint intake process. This ensures all complaints are received, processed, and investigated consistently and without bias.

The PSB initiated the collection process of complainant demographic information in January 2020 via a voluntary paper and online survey provided to the complainant at the conclusion of an investigation. During this reporting period, the PSB closed 159 external cases and thus sent approximately 159 complainant surveys<sup>2</sup>. Of the approximate 159 surveys provided, the PSB received eight responses.

The following information in Figures 7, 8, and 9 consists of the demographic information, provided voluntarily, by individuals named as the complainant in External Complaint investigations.

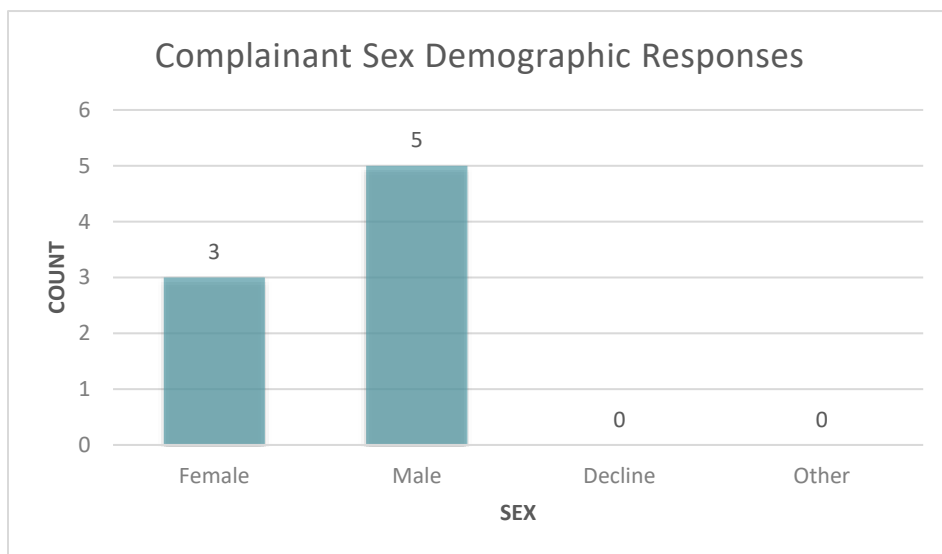


Figure 7: Demographic of Complainants between July and December 2020, by Sex.

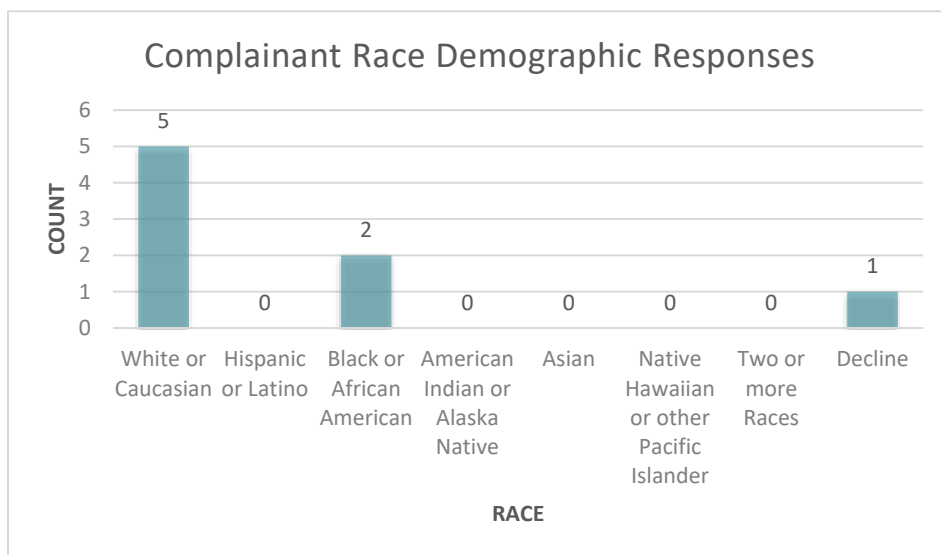
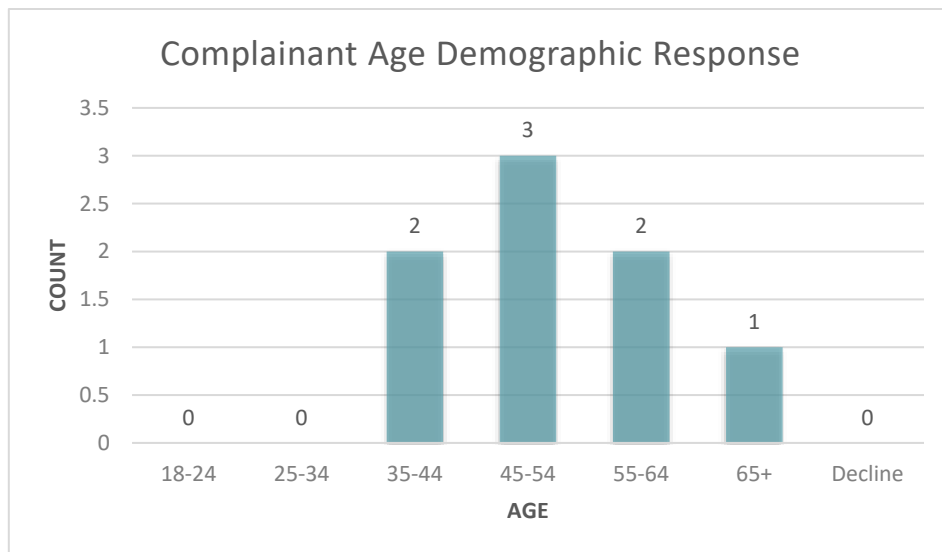


Figure 8: Demographic of Complainants between July and December 2020, by Race

<sup>2</sup> Due to the possibility of multiple complainants in a single IA case, one IA case may receive several survey responses. Additionally, anonymous complainants do not receive a demographic survey.

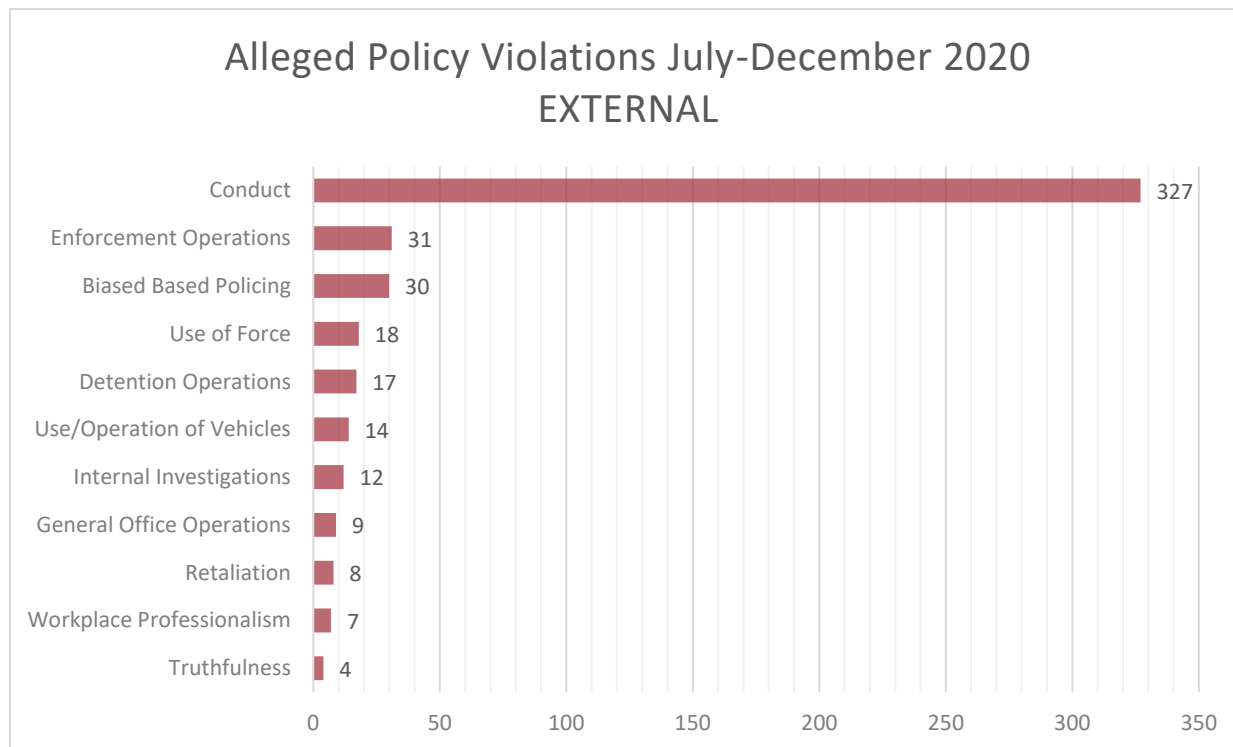


**Figure 9:** Demographic of Complainants between July and December 2020, by Age.

It should be noted, the sex, race, and age demographic categories replicate those listed on the United States Census Bureau survey.

Due to the low response rate, a statistical analysis could not be conducted to determine if any pattern or trend could be identified.

The PSB also tracks external complaints received from anonymous sources. Between July and December 2020, the PSB received fourteen anonymous external complaints, resulting in an investigation.



*Figure 10: Alleged Policy Violations within External Complaint Investigations between July and December 2020.*

There were 477 alleged policy violations between July and December 2020. Approximately 69% of the allegations were related to violations of conduct (e.g., unbecoming conduct, failure to meet standards, etc.); this is an increase of allegations from the last semi-annual reporting period and an increase in the percentage of complaints related to violations of conduct. Figure 10 depicts the allegation breakdown.<sup>3</sup>

<sup>3</sup> Low allegation counts have been combined for presentation purposes. See category breakdown below.

**Detention Operations:** Inmate mail (6), inmate grievance procedure (5), Prison Rape Elimination Act (2), security surveillance systems (1), inmate property control (1), inmate communication (1), and inmate hygiene (1).

**Enforcement Operations:** Vehicle accident investigations (7), incident report guidelines (6), body-worn cameras (4), traffic enforcement (4), arrest procedures (2), search and seizures (2), missing persons investigations (1), traffic data stop collection (1), towing and impounding vehicles (1) civil disputes and execution of civil process (1), criminal investigations: operations (1), and dissemination of stolen vehicle information (1).

**General Office Operations:** Leave and absences (1), compensation and ADP (1), general office procedures (1), media relations (1), criminal history record information and public records (1), radio communications (1), firearms (1), transgender and intersex interactions (1), and electronic communications and voice mail (1).

The PSB tracks the “nature of contact” that led to the alleged employee misconduct. The PSB has distinguished these into nine categories. Below is the breakdown of each category:

**Booking:** actions of/interactions with personnel during the booking process

**Call for Service:** actions of/interactions with sworn personnel dispatched to an incident

**Custody Operations:** actions of/interactions with personnel during detention/custody functions

**Follow-up Investigation:** actions of/interactions with personnel post initial call for service or detective investigations

**Non-Enforcement Duties:** actions of/interactions with personnel who are not actively conducting enforcement duties. (e.g. sworn staff on-duty but not on a call, civilian staff actions, etc.)

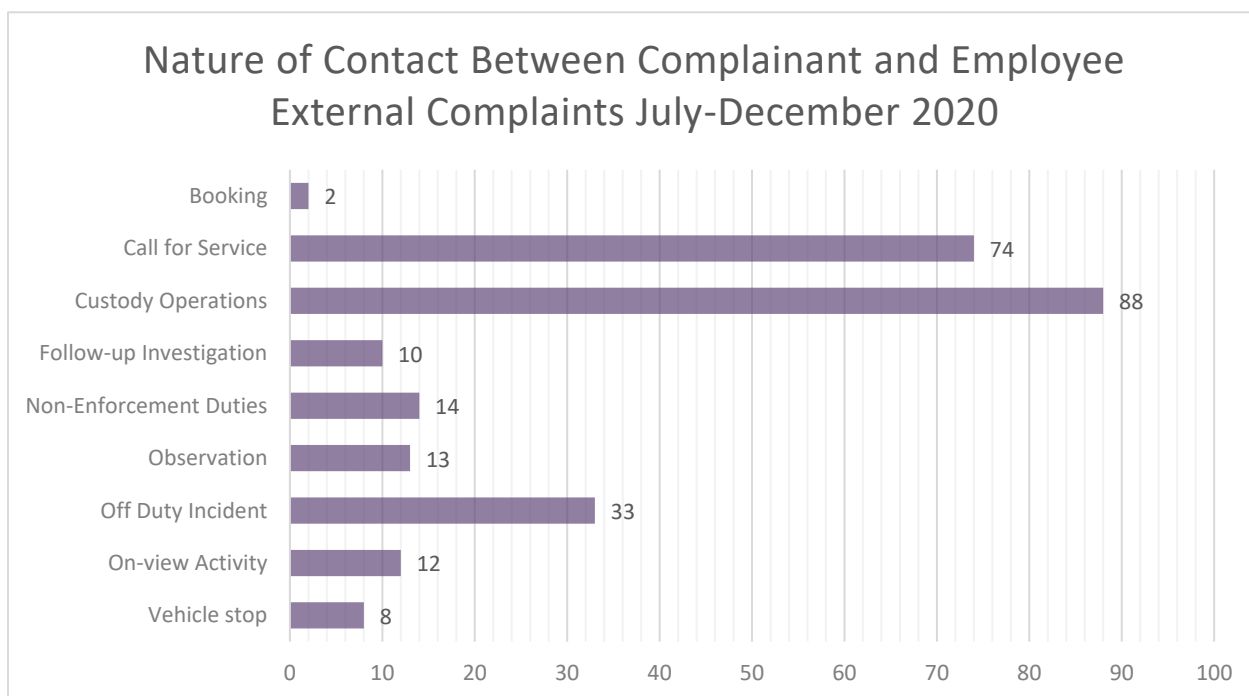
**Observation:** witnessed employee misconduct (e.g. no direct contact)

**Off Duty Incident:** actions of/interactions with personnel not on duty

**On-view Activity:** actions of/interactions with sworn personnel initiating contact with the public (not a call for service or vehicle stop)

**Vehicle Stop:** actions of/interactions with sworn personnel during a traffic stop

The below chart shows the nature of contact between the complainant and principal for external complaint investigations initiated between July and December 2020.



**Figure 11:** Nature of Contact for External Complaints between July and December 2020.

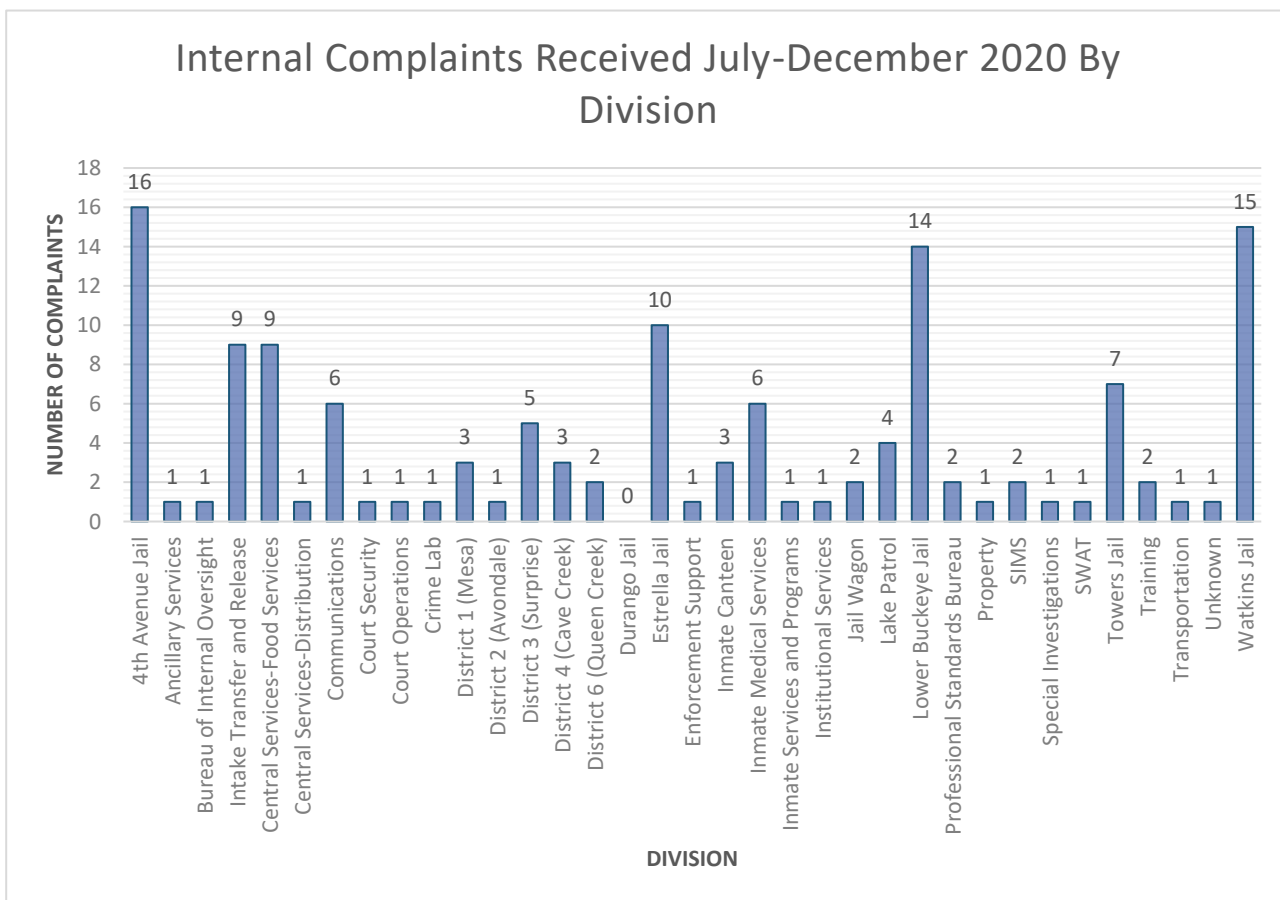
### C. Civilian Complaint Analysis

The PSB did not see any increases or decreases of complaints attributable to the complaint intake process.

### D. Internal Complaints

Based on the data, the PSB received a total of 135 internal complaints from July 1, 2020 to December 31, 2020 office wide. There was one district (also known as division) with the most internal complaints; 4<sup>th</sup> Avenue Jail with 16 complaints. Divisions with a similar number of complaints were the Watkins Jail with 15 complaints and the Lower Buckeye Jail with 14 complaints.

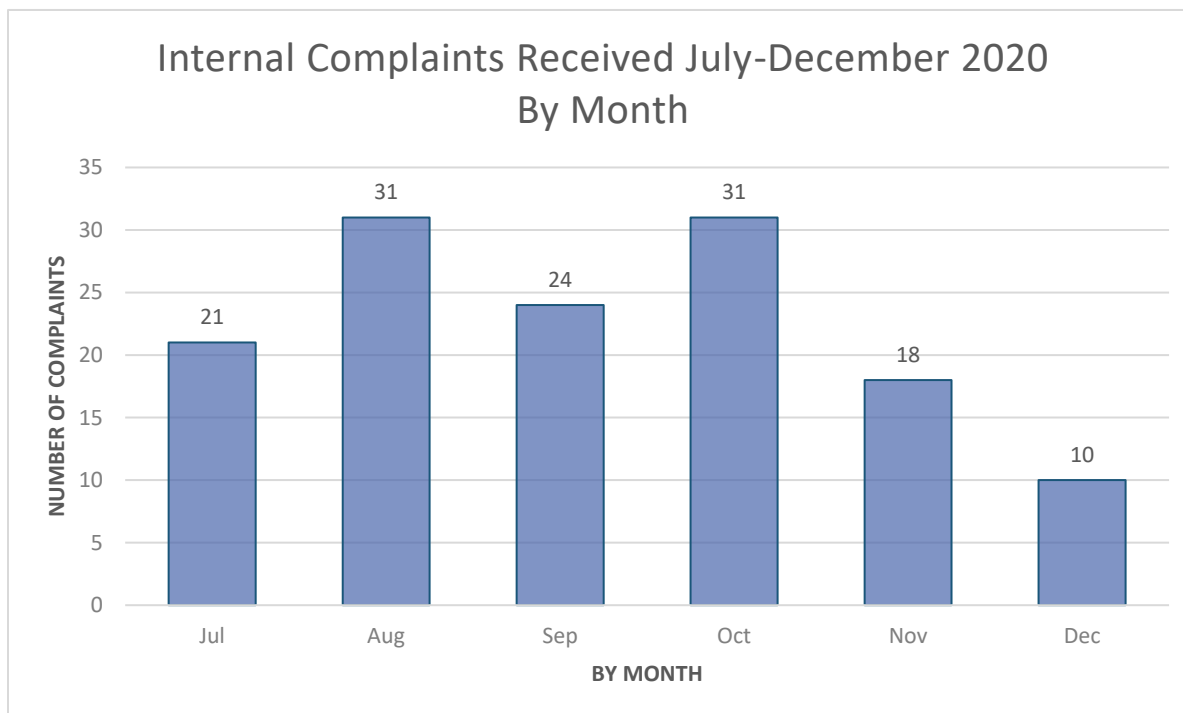
Figure 12 depicts the number of internal complaints received from July to December 2020 differentiated by Division.



**Figure 12:** Internal Complaints received, by District, which resulted in an investigation between July and December 2020.

Within the 135 internal complaints, the MCSO received 21 complaints in July, 31 complaints in August, 24 complaints in September, 31 complaints in October, 18 complaints in November, and 10 complaints in December. The internal complaints increased from the previous reporting six months. Like the last reporting period, most of the allegations involved Code of Conduct practices (e.g., employee relationships with other employees and failure to meet standards.) In August and October, the MCSO received 31 internal complaints; with an approximate average of 23 complaints received per month; this was approximately 35% above the average internal complaints received.

Figure 13 depicts the number of internal complaints received by month.

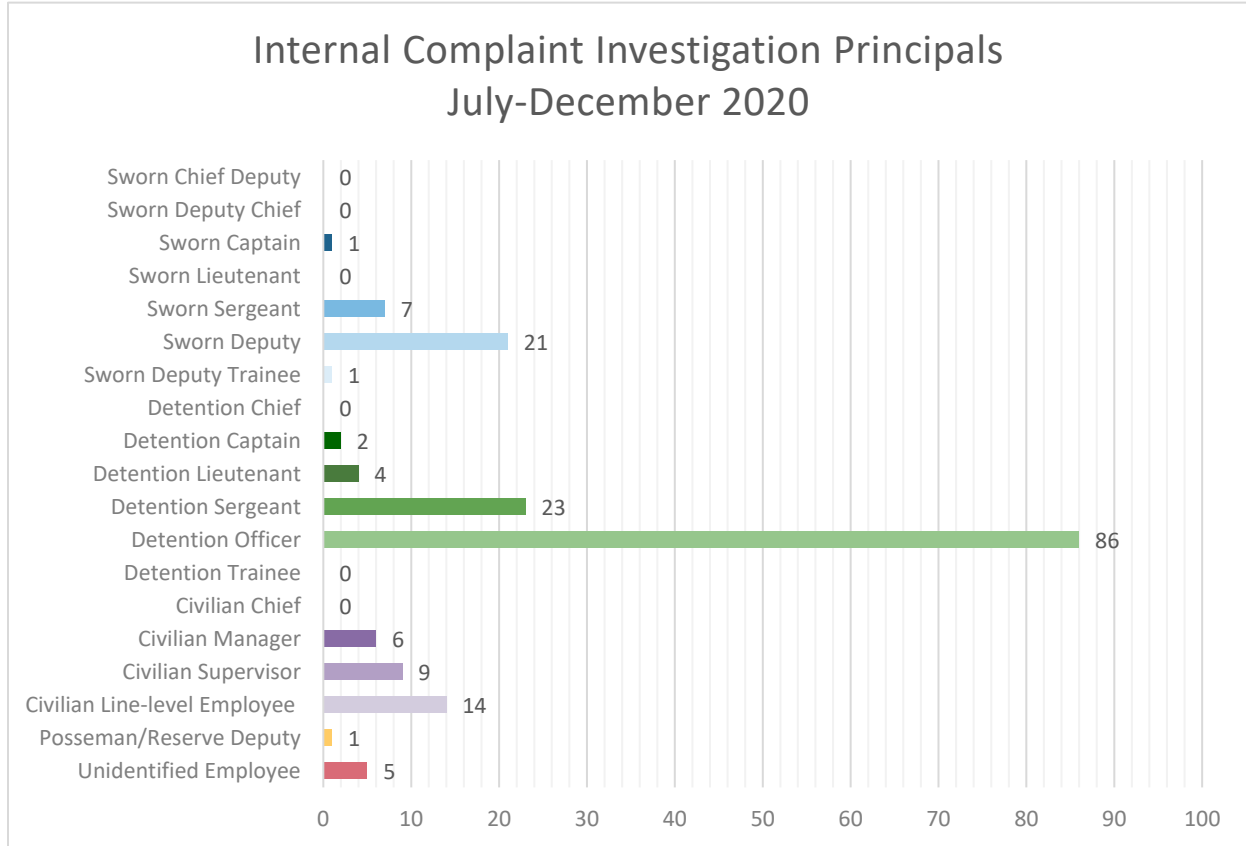


**Figure 13:** Internal Complaints received, by month, from July to December 2020.

To reiterate, a single complaint can result in an investigation with multiple principals and allegations. Therefore, the number of internal complaints that resulted in an investigation (135) will not mirror the number of principals and allegations in the next subsection.

The “Detention Officer” rank was identified 86 times out of 180 total principals listed in internal complaint investigations between July and December 2020.

Figure 14 depicts the ranks of principals identified in internal complaint investigations during the reporting period listed.

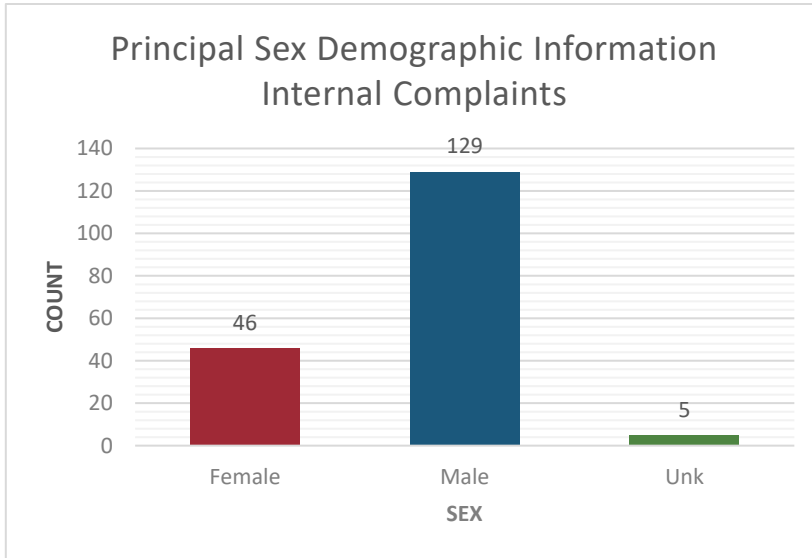


**Figure 14:** Rank of Principals in Internal Complaint Investigations July to December 2020.

The following information consists of demographic information of MCSO employees that have been named the **principal** and **complainant** in Internal Complaint IA investigations.<sup>4</sup>

It is important to note, from July to December 2020, the PSB initiated ten internal investigations with an anonymous complainant. These were handled as internal complaints due to the content being information only an employee would know.

<sup>4</sup> Data is based on known, compensated MCSO employees. The IAPro system does not track demographic information of unknown and volunteer employees (i.e. Posse members and Reserve Deputies)



There were 129 identified male principals; approximately three times more than the amount of identified female principals. There were five unknown employees identified as principals.

**Figure 15:**  
*Demographic of Principals between July and December 2020, by Sex.*

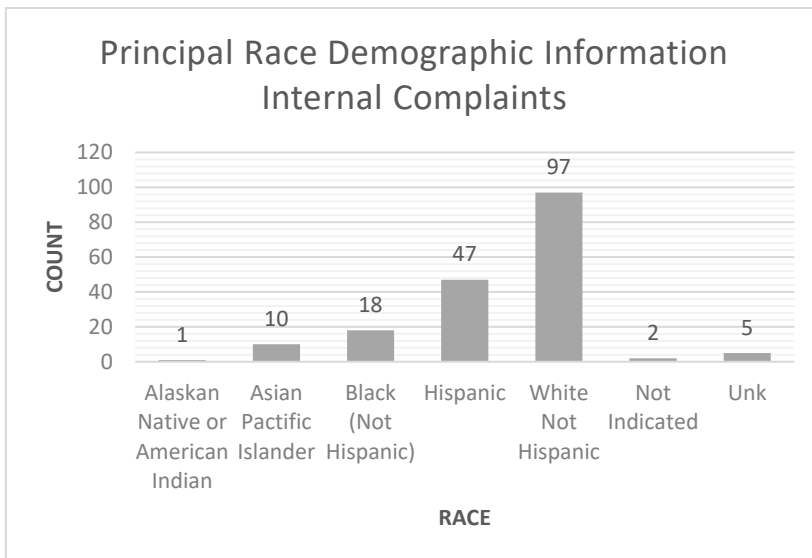


Figure 16 depicts 97 identified White (Not Hispanic) employees named as the principal in Internal Complaint Investigations; approximately 54% of the 180 employees.

**Figure 16:**  
*Demographic of Principals between July and December 2020, by Race.*

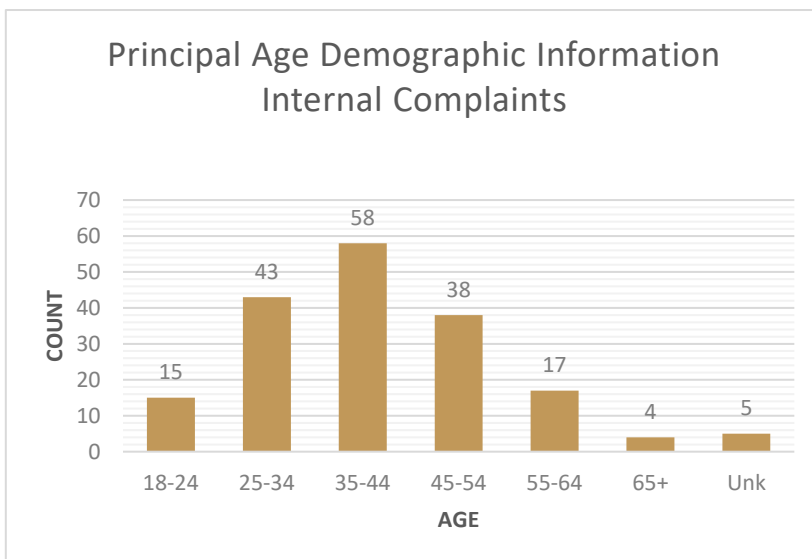
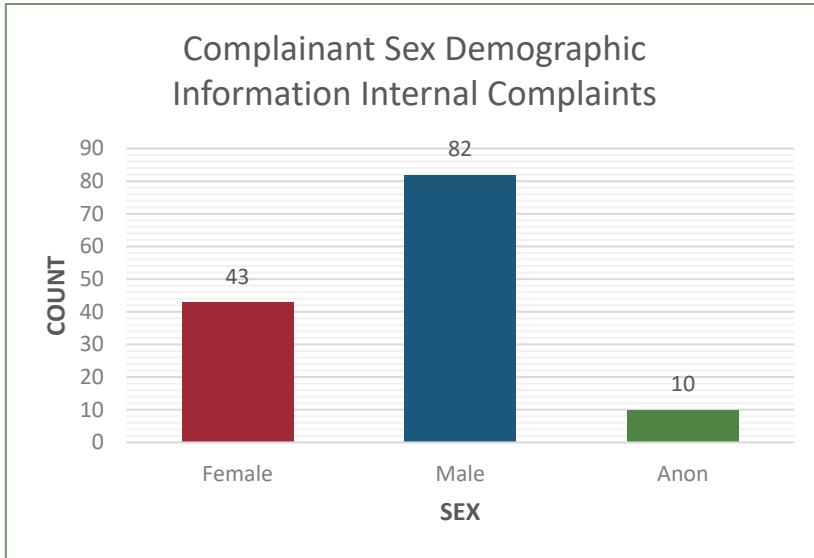


Figure 17 shows known Internal Complaint Principals are commonly between the ages of 35 and 44, which coincides with the average age of 40 years old.

**Figure 17:**  
*Demographic of Principals between July and December 2020, by Age.*



There were 82 identified male complainants, approximately two times the amount of identified females. Sex could not be identified for the ten anonymous complainants.

**Figure 18:**  
*Demographic of Complainants between July and December 2020, by Sex.*

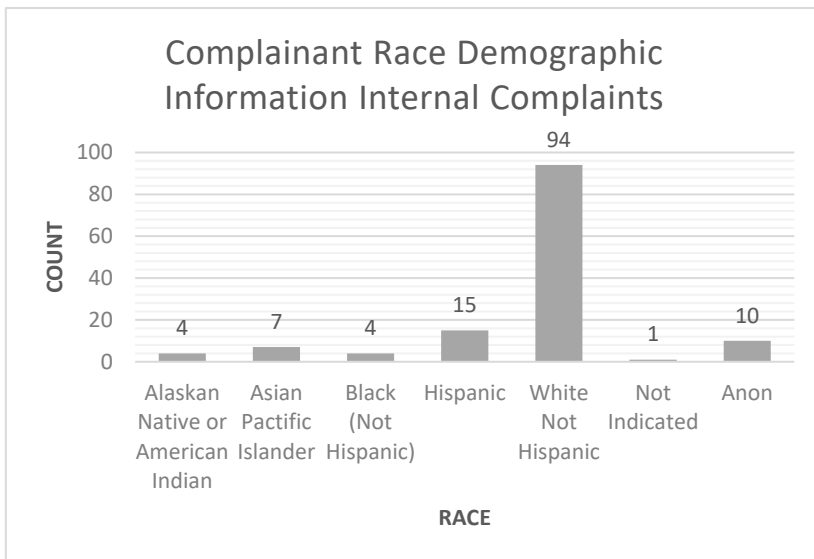


Figure 19 depicts 94 identified White (Not Hispanic) employees named as the complainant in Internal Complaint Investigations; approximately 70% of the 135 complainants. Race could not be identified for the ten anonymous complainants.

**Figure 19:**  
*Demographic of Complainants between July and December 2020, by Race.*

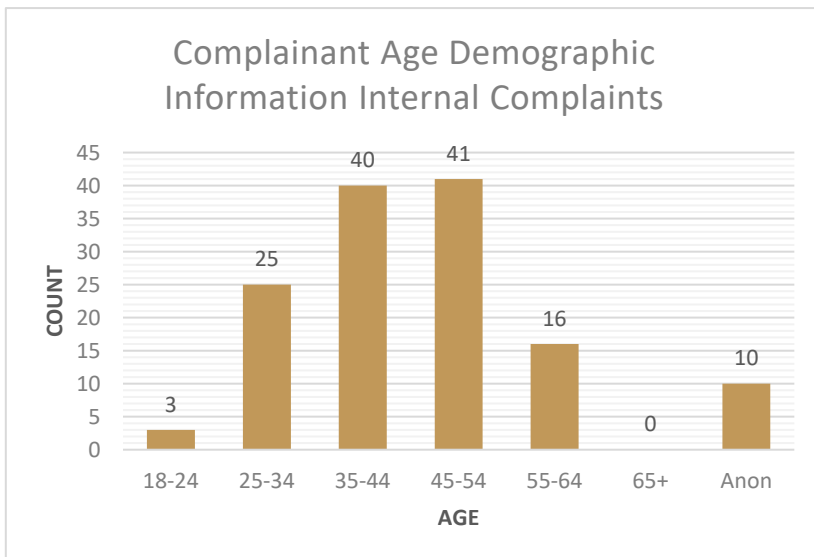
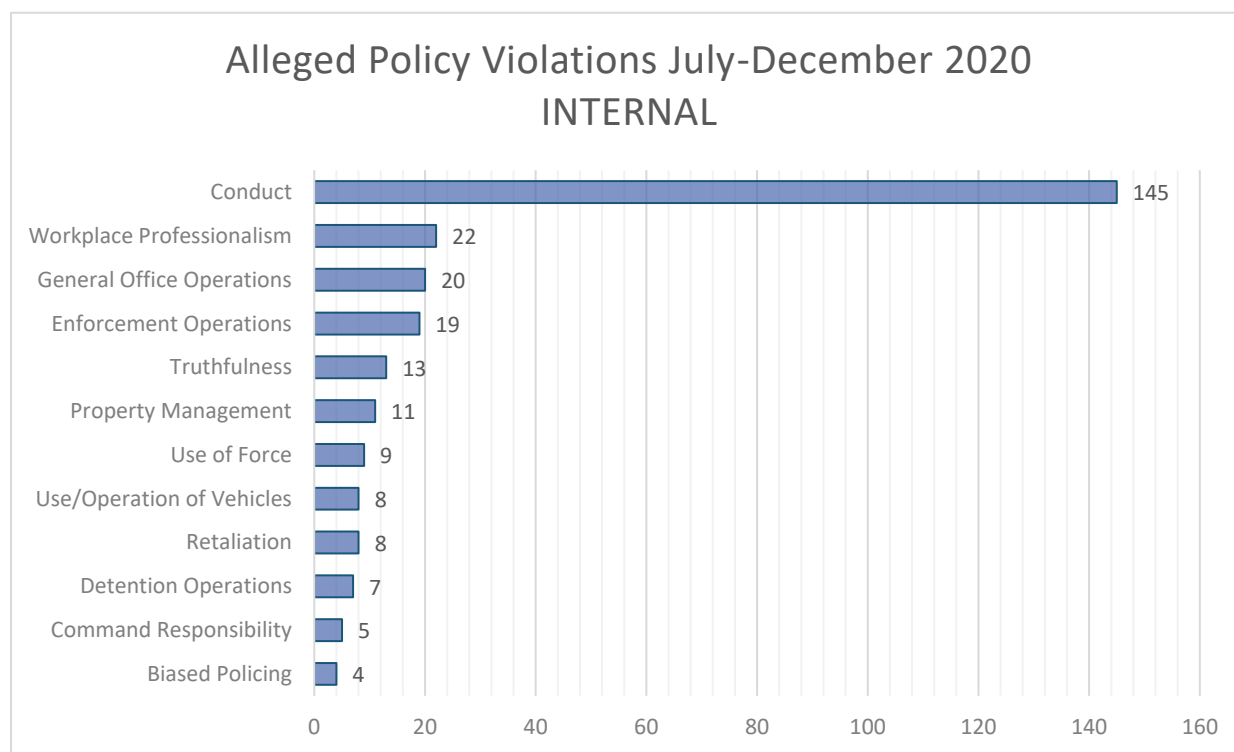


Figure 20 shows known Internal Complaint complainants are commonly between the ages of 45 and 54 which coincides with an average age of 43 years old. Age could not be identified for the ten anonymous complainants.

**Figure 20:**  
*Demographic of Complainants between July and December 2020, by Age.*

It should be noted the IAPro system does not track the nature of contact that led to an internal complaint.

There were 271 alleged policy violations between July and December 2020. Approximately 54% of the allegations were related to violations of conduct (e.g., employee relationships with other employees, failure to meet standards, etc.); this is an increase of allegations from the last semi-annual reporting period however a decrease in the percentage of complaints related to violations of conduct. Figure 21 depicts the allegation breakdown.<sup>5</sup>



**Figure 21:** Alleged Policy Violations within Internal Complaint Investigations between July and December 2020.

<sup>5</sup> Low allegation counts have been combined for presentation purposes. See category breakdown below.

**Detention Operations:** Security walks and headcounts (6) and operations journal (1).

**Enforcement Operations:** Search and seizure (9), body-worn cameras (3), incident report guidelines (2), traffic enforcement (2), driving under the influence investigations (1), traffic stop data collection (1), and arrest procedures (1).

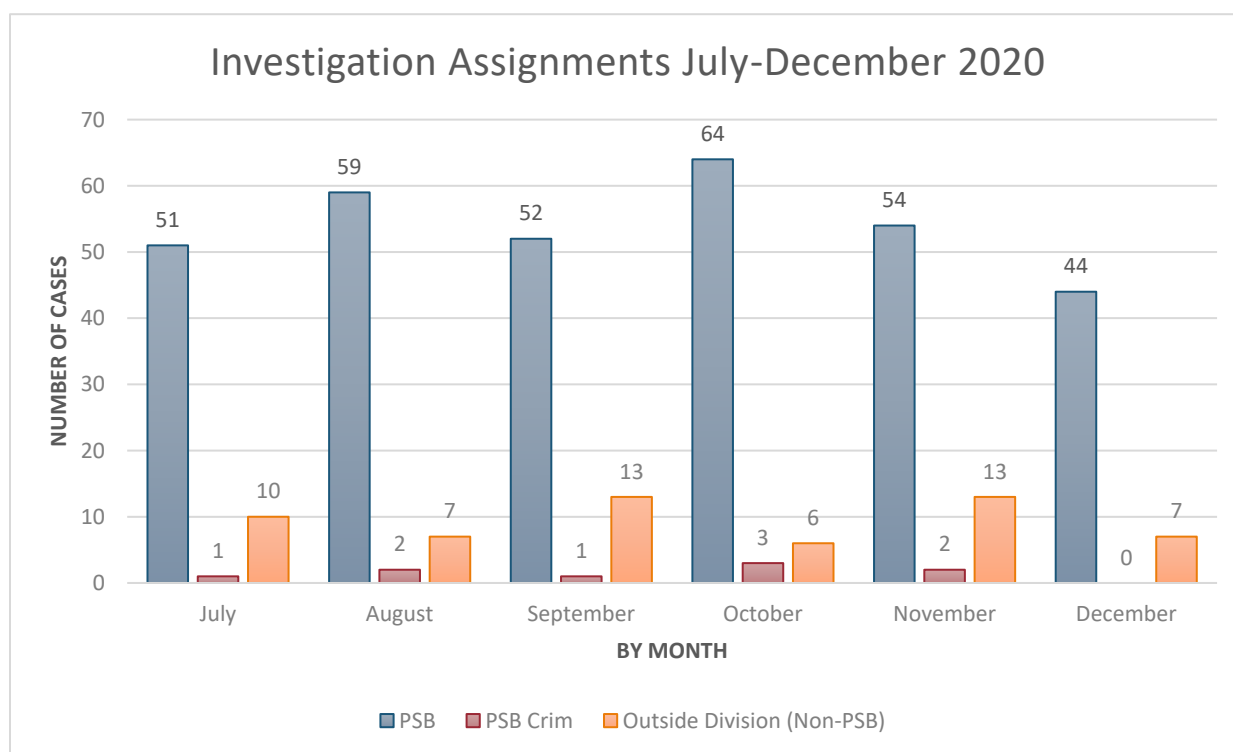
**General Office Operations:** Compensation/ADP system (4), firearms (3), TASER (1), leave and absences (2), internal investigations (2), bloodborne pathogens (1), employee access to the internet (1), uniform specifications (1), use of tobacco products (1), early identification system - data and security retention (1), and radio communications (1).

## E. Processing of Misconduct Cases

The Professional Standards Bureau Commander determines whether an administrative investigation will be conducted at the division level or within the PSB. The decision is based on the severity and type of offense, the complexity of the investigation, the rank of the employee, and the alleged principal's disciplinary history. Once it has been decided that an investigation can be handled at the division level, it is assigned an investigator to conduct interviews, review all information provided, and recommend the proper finding for the alleged violation to the Division Commander. Assistance and guidance from the Professional Standards Bureau are provided throughout the division level investigation.

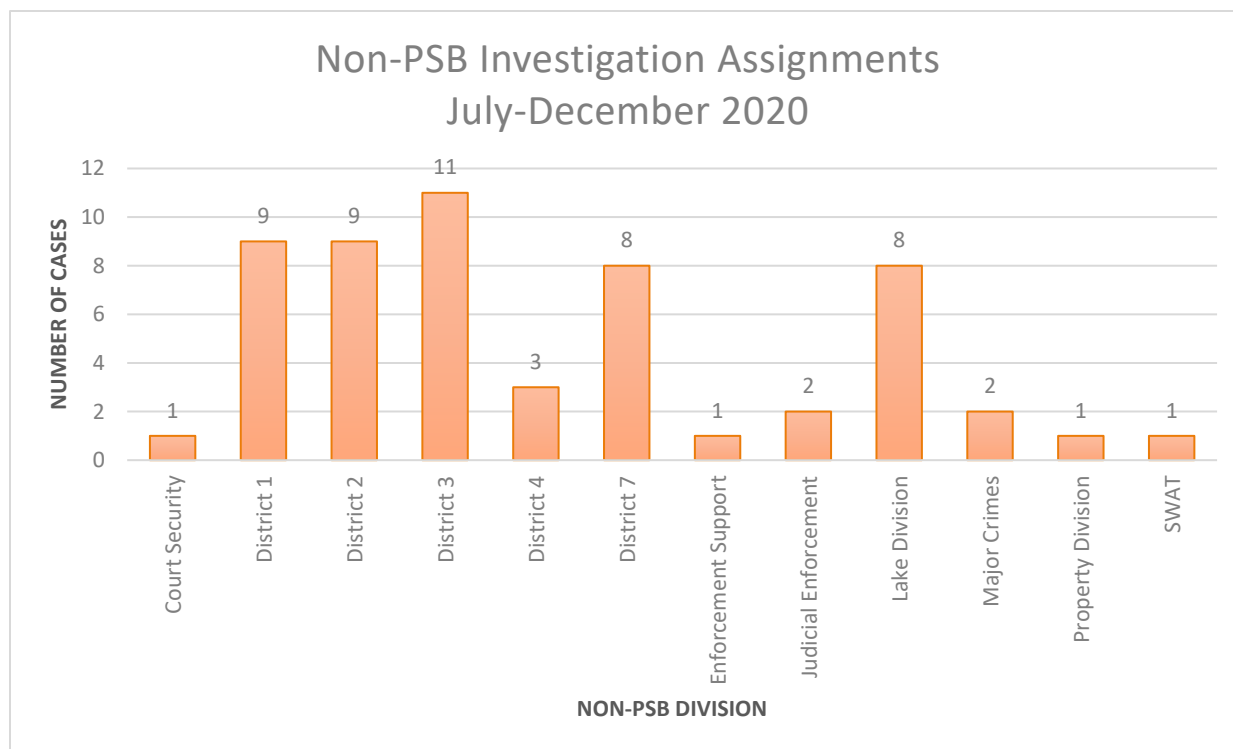
Between July 1, 2020 to December 31, 2020, the PSB opened a total of 389 misconduct investigations<sup>6</sup>; 324 were assigned to the Professional Standards Bureau investigators, 9 were assigned to the Professional Standards Bureau Criminal Investigations Section, and 56 were assigned to investigators throughout the Sheriff's Office.

Figure 22 depicts a monthly report of assigned cases and Figure 23 depicts the investigation assignment, broken down by Non-PSB Division.



**Figure 22:** Investigation Assignment break down between PSB and Non-PSB Division between July and December 2020.

<sup>6</sup> This includes misconduct investigations into external complaints, internal complaints, external criminal complaints, and internal criminal complaints.



**Figure 23:** Non-PSB Division Assignment break down between July and December 2020.

The subsequent paragraphs include the aggregate data of processing time for both District and PSB investigations. For the purpose of this report, *initiation to submission by the investigator to his or her chain of command* is the date the complaint was received to the date the District Commander or PSB Commander signed the investigative report.

Between July and December 2020, there were a total of 99 investigations completed outside of the Professional Standards Bureau, or otherwise known as Division cases. The average time from the initiation of an investigation to the submission to the investigators' chain of command was 159 days and the median time was 231 days.<sup>7</sup> This average is approximately 165% above the 60-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*. The average time from investigator submission to the final decision regarding discipline or other final disposition was 260 days and the median was 51 days.

The total completion time (initiation to final discipline decision) of District investigations is 419 days. This average is approximately 133% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 99 Division cases, 17 cases were returned to the Division assigned investigator by the PSB due to the conclusion not supported by the evidence, three cases were returned for further investigation, and seven were returned for investigative corrections. Of the remaining 72 investigations, there were 15 cases returned to the Division assigned investigator for report detail edits, two for formatting or form detail corrections, and 55 cases that did not require any revisions.

<sup>7</sup> This does not include the effect approved extension requests would have on time frames.

Between July and December 2020, there were a total of 127 administrative investigations completed within the Professional Standards Bureau (PSB.) The average time from the initiation of an investigation to the submission to the investigators' chain of command was 549 days and the median time was 232 days.<sup>8</sup> This is 546% above the 85-calendar day expectation listed in the MCSO Policy GH-2, *Internal Investigations*. The average time from investigator submission to the investigators' chain of command to the final decision regarding discipline or other final disposition was 43 days and the median was 51 days.

The total completion time (initiation to final discipline decision) of PSB investigations is approximately 592 days. This is approximately 229% above the 180 statutory requirements of Arizona Revised Statutes 38-1110 and MCSO Policy GH-2, *Internal Investigations*.

Of the 127 PSB cases, there was one case returned due to the conclusion not supported by the evidence and one case returned to the PSB investigator for investigative corrections.

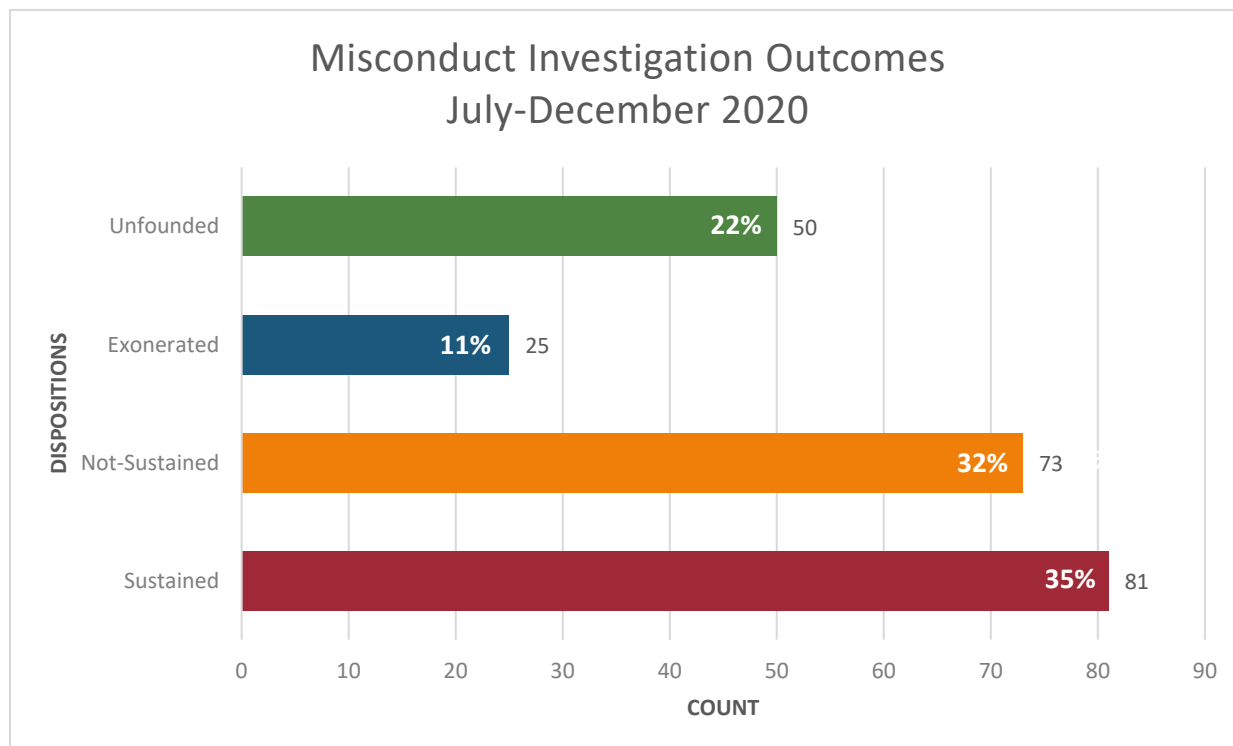
---

<sup>8</sup> This does not include the effect approved extension requests would have on time frames.

## F. Outcomes of Misconduct Investigations

A total of 229 administrative misconduct investigations were completed between July and December 2020; 81 completed investigations had Sustained dispositions, 73 had Not-Sustained dispositions, 25 had Exonerated dispositions, and 50 had Unfounded dispositions.

Figure 24 on the next page shows the number of outcomes as well as each section's percentage.



**Figure 24:** Misconduct Investigation Outcomes from July to December 2020.

According to MCSO Policy GC-17 Employee Disciplinary Procedures, when a single act of alleged misconduct would constitute multiple separate policy violations, all applicable policy violations shall be charged, but the most serious policy violation shall be used for determining the category of the offense and discipline. The paragraph below includes the discipline count for the 81 sustained misconduct investigations closed from July to December 2020.

The following is a breakdown of the disciplinary and non-disciplinary actions for the 81 closed sustained cases<sup>9</sup>: 14 non-disciplinary (coaching) actions; 24 written reprimands; 29 suspensions; 0 demotions; 3 probationary releases; 4 terminations; and 4 resignations in lieu of termination. Of the 15 employees that retired or resigned prior to the conclusion of the investigation and/or discipline determination, 5 were previously terminated.

It is important to note the Maricopa County Sheriff's Office policy views a Coaching within Internal Affairs Investigations as a "non-disciplinary interaction between a supervisor and an employee that

<sup>9</sup> Listed numbers reflect the discipline action for each employee principal involved; numbers will not match the total number of closed sustained cases.

*supports an individual in achieving specific personal or professional goals by providing training, advice, and guidance in response to a specific situation.”*

From July 1, 2020 to December 31, 2020, there were no cases where the findings were changed after a Pre-Determination Hearing (PDH.) Additionally, there were no cases in which the Appointing Authority, regarding discipline, deviated from the established matrix after the PDH.

From July to December 2020, The Maricopa County Law Enforcement Merit System Council upheld the findings of one closed investigation during the reporting period. There were no cases in which the Council altered or overturned discipline.

## G. Persistent or Serious Misconduct

This section discusses employees listed as the subject of more than two misconduct investigations, employees with more than one sustained allegation, and the number of criminal prosecutions of employees. It is important to note the MCSO categorizes discipline (minor or serious) imposed by the sustained misconduct; it is not based on the allegations themselves. It is also important to note there can be multiple allegations within a single misconduct investigation. The last paragraph of this section (criminal prosecution charges) is based on a six-month time frame. The paragraphs directly below are based on a rolling annual timeframe and NOT a six-month time frame.

In the previous 12 months (January 1, 2020 – December 31, 2020), 49 employees were listed as the subject of more than two misconduct investigations in a total of 183 investigations. The 49 employees have been broken down and categorized by their most egregious discipline. Of the 49 employees, 3 received serious discipline, and 0 received minor discipline<sup>10</sup>. Of the remaining 46 employees, 45 have current active investigations and one employee is involved in closed investigations that did not warrant discipline.

There were 13 employees, from January 1, 2020 – December 31, 2020, that had more than one sustained allegation that resulted in **minor** discipline. Those 13 employees had a combined total of 17 sustained allegations. In that same timeframe, 21 employees had more than one sustained allegation that resulted in **serious** discipline. There were 35 sustained allegations between the 21 employees.

Between July and December 2020, no employees were the subject of criminal prosecutions.

---

<sup>10</sup> Serious discipline is categorized as discipline equal to or greater than an employee suspension. Minor discipline is categorized as discipline less severe than a suspension, not to include coaching.

## H. Patterns and Trends

The Professional Standards makes assessments of the types of complaints received to identify problematic patterns and trends quarterly. The PSB conducted an assessment for the third quarter (July to September 2020) and for the fourth quarter (October 2020 to December 2020.)

### **Third Quarter Assessment:**

#### **Divisions Receiving the Most Complaints**

The PSB identified the 4<sup>th</sup> Avenue Jail as the Division receiving the most complaints between July 1, 2020 to September 30, 2020.

The 4<sup>th</sup> Avenue Jail facility received 20 complaints resulting in misconduct investigations; five of the investigations alleged employees did not conform to established laws; four investigations alleged demeaning and unprofessional behavior toward other employees; three of investigations alleged the mistreatment of inmates to include, rude behavior, retaliation for filing grievances, and not referring to inmates in their preferred pronouns; and two investigations alleged improper uses of force. The other six did not follow a pattern or trend we could identify at this time.

#### **Notable Patterns and Trends Identified within MCSO Divisions**

Between July 1, 2020 to September 30, 2020, there were multiple divisions not identified as having the most complaints, however, a pattern or trend of complaints received was identified by the PSB.

District 1 – Mesa received twelve complaints resulting in misconduct investigations; four alleged rude conduct with members of the public; three alleged law enforcement actions were motivated by bias; and two alleged employees did not conform to established laws.

District 2 – Avondale received ten complaints resulting in misconduct investigations; four alleged rude and condescending behavior to members of the public and three alleged law enforcement actions were motivated by bias.

District 3 – Surprise received ten complaints resulting in misconduct investigations; three alleged rude and belittling statements to members of the public; and two alleged Deputies failed to take action/respond to a call for service.

District 4 – Cave Creek received nine complaints resulting in misconduct investigations; five alleged rude, condescending, and unprofessional behavior to members of the public. Additionally, three alleged Deputies were speeding and driving recklessly.

District 6 – Queen Creek received five complaints resulting in misconduct investigations. There were three investigations alleging gender and racially biased law enforcement actions.

District 7 – Fountain Hills received eight complaints resulting in misconduct investigations; five alleged rude and unprofessional attitudes to members of the public.

The Lake Patrol Division received eight complaints: three alleged condescending and rude behavior to members of the public.

The Communications Division received nine complaints resulting in misconduct investigations; two alleged employees were not respectful or courteous to members of the public; and two alleged employees failed to enter calls for service or enter information provided by a member of the public. There were two investigations alleging discourteous and negative statements made by employees to or about other employees.

The Central Food Services Division received four complaints resulting in misconduct investigations; three alleged employees were not respectful or courteous to other employees.

The Estrella Jail Facility received 14 complaints resulting in misconduct investigations. Four alleged mistreatment of inmates to include rude and degrading behavior and failing to provide safety and necessities; three alleged employees “bullied” and made negative comments about other employees; two alleged offensive, political, or public statements as an official MCSO employees in person and via social media; and two alleged employees did not conform to established laws reference physical altercations.

The Lower Buckeye Jail Facility received 15 complaints resulting in misconduct investigations. Five alleged rudeness to members of the public requesting information on or attempting to visit their friends or family members in custody; four alleged the mistreatment of inmates to include “harassing” behavior, failing to provide necessities, and retaliatory actions; and two alleged employees did not conform to established laws reference harassment.

The Towers Jail facility received eight complaints resulting in misconduct investigations. Three alleged unprofessional and inappropriate actions and comments toward other employees; and two alleged the mistreatment of inmates by failing to provide necessities.

The Watkins Jail facility received 10 complaints resulting in misconduct investigations; three alleged employees failed to monitor inmates and conduct security walks; and three alleged the mismanagement of property.

### **All Misconduct Allegations Categorized**

There were 187 complaints received between July 1, 2020 to September 30, 2020. The Professional Standards Bureau identified 43 investigations with allegations categorized as “rude” behavior (disrespectful, condescending, aggressive, belittling, yelling, and had a bad attitude) toward members of the public. There were 31 opened for inappropriate language/actions (use of profanity and vulgar language, sexual comments or actions, unsafe actions) toward fellow employees, inmates, or members of the public. There were 25 investigations opened with allegations of discrimination and derogatory or racial slurs and comments. There were 21 investigations opened due to alleged on or off duty criminal activity: eight involving reports of physical altercations, domestic violence, assault, child abuse, or disorderly conduct and three involving reports of criminal and civil traffic violations.

Additionally, there were 16 investigations opened with allegation of biased law enforcement actions and disparaging comments or actions toward members of a protected class. There were 14 allegations of employees failing to perform their assigned duties properly and failing to act when requested by inmates or members of the public. There were 14 investigations with allegations of workplace professionalism between employees (inappropriate sexual comments, touching, stalking, and inappropriate inquiries reference medical conditions); and 11 investigations opened with allegations of employees making negative statements, spreading rumors and gossip, yelling, and making disparaging or demeaning comments toward other employees.

The following allegation categories received 10 or less mentions each. There were 10 opened with allegations of unsafe driving or at-fault vehicle accidents; eight investigations alleging untruthful statements by employees; and seven complaints of employees not following the current office-wide mask directive. There were six allegations of inappropriate use of force (four within the jail facilities); and six complaints of employees not providing their name or serial numbers when requested by members of the public. There were six complaints reference allegations of offensive and political or public statements as official MCSO employees in person and via social media.

#### **Employee Potential Problematic Patterns and Trends**

The following employees have been identified as MCSO personnel with potential problematic patterns or trends of misconduct from investigations initiated between July 1, 2020 to September 30, 2020.

An employee was named in four IA investigations with allegations stemming from unprofessional sexual comments and inappropriate physical behavior toward other employees.

An employee was named in four IA investigations with allegations stemming from promoting political views as an employee of the Office, making negative statements about the agency, and bullying those who do not agree with his views.

An employee was named in three IA investigations with allegations stemming from unprofessional comments references employees taking medical leave.

An employee was named in three IA investigations. The allegations stem from not completing his job tasks appropriately (inmate headcounts and not providing proper inmate meals) and being discourteous to other MCSO employees.

**The following employees are each involved in two new IA investigations. These, over other employees with two IA investigations, have been noted due to a common trend of allegations.**

An employee was named in two IA investigations with allegations stemming from unprofessional comments and rude behavior during calls for service.

An employee was named in two IA investigations with allegations stemming from inappropriate and rude behavior on social media as an employee of the Office.

An employee was named in two IA investigations with allegations stemming from failing to conduct a proper DUI investigation.

An employee was named in two IA investigations stemming from the mistreatment of inmates.

An employee was named in two IA investigations stemming from rudeness and law enforcement action based on bias.

#### **Fourth Quarter Assessment:**

##### ***Divisions Receiving the Most Complaints***

The PSB identified the Lower Buckeye Jail as the Division receiving the most complaints between October 1, 2020 and December 31, 2020

The Lower Buckeye Jail facility received 23 complaints resulting in misconduct investigations; four alleged unprofessional and inappropriate language, actions, and gestures while in the workplace toward or around inmates; three alleged retaliation for inmate grievances; three alleged the mistreatment of inmates by not providing medical attention; two alleged demeaning behavior toward subordinate employees; and two alleged inappropriate uses of force. The other nine did not follow a pattern or trend we could identify at this time.

##### ***Notable Patterns and Trends Identified within MCSO Divisions***

Between October 1, 2020 and December 31, 2020, there were multiple divisions not identified as having the most complaints, however, a pattern or trend of complaints received was identified by the PSB.

The 4<sup>th</sup> Ave Jail Facility received 19 complaints resulting in misconduct investigations. Three alleged employees did not conform to established laws; and two alleged biased and derogatory words being used toward inmates.

District 3 – Surprise received 16 complaints resulting in misconduct investigations; five alleged rudeness to members of the public; and two involved deputy vehicle accidents during emergency driving.

District 1 – Mesa received 13 complaints resulting in misconduct investigations; six alleged rudeness to members of the public.

District 2 – Avondale received 11 complaints resulting in misconduct investigations. Five alleged unprofessional behavior to include rude, profane, and inappropriate statements toward members of the public and other law enforcement officers. Additionally, two alleged law enforcement action due to race.

The Watkins Jail facility received 11 complaints resulting in misconduct investigations; two alleged employees failed to conduct security walks; and two alleged inappropriate and demeaning actions toward inmates.

The Intake, Transfer, and Release Facility received 11 complaints resulting in misconduct investigations. There were two that alleged inappropriate and unprofessional postings on a social media website.

The Lake Patrol Division received 10 complaints; four involved unsafe driving and at-fault damage to a patrol vehicle; and two alleged excessive force while under arrest.

District 7 – Fountain Hills received nine complaints resulting in misconduct investigations; three alleged a rude and unprofessional attitude to members of the public; and two alleged bias actions and comments.

The Estrella Jail Facility received eight complaints resulting in misconduct investigations. Two alleged Officers failed to meet the standards of a performance action plan.

The Central Food Services Division received seven complaints resulting in misconduct investigations; two alleged supervisory staff acted unprofessional and disrespectful to other employees and members of the public.

The Towers Jail Facility received seven complaints resulting in misconduct investigations; alleged Officers slept on duty.

The Communications Division received five complaints resulting in misconduct investigations; four alleged employees were not respectful or courteous to members of the public.

The Major Crimes Division received four complaints resulting in misconduct investigations; two alleged rude and condescending to members of the public.

The Judicial Enforcement Division received three complaints resulting in misconduct investigations: two alleged unprofessional and disrespectful attitudes by an MCSO employee.

### ***All Misconduct Allegations Categorized***

There were 187 complaints received between October 1, 2020 to December 31, 2020. The Professional Standards Bureau identified 40 investigations with allegations categorized as inappropriate language/actions (use of profanity; inappropriate sexual comments or actions; threatening behavior; relationships with victims or inmates; and inappropriate social media posts) toward both employees and members of the public. There were 34 opened for “rude” behavior (disrespectful, condescending, belittling, yelling, and unprofessional comments) toward members of the public. There were 22 opened due to alleged on or off duty criminal activity: five involving reports of sexual assault; three involving reports of assault; two with reports or harassment; two reports of illegal drug use; and two reports of employees driving under the influence. The other six involve reports of threats of harm, forgery, impersonating a police officer, property damage, alcohol consumption in a restaurant while carrying a firearm, and illegal “kickbacks.”

Additionally, there were 22 investigations opened with allegations of the employees failing to follow MCSO procedures (sworn, detention, and general procedures.) There were 18 investigations opened into the mistreatment of inmates (lack of medical attention, inciting fights, and throwing items at

inmates.) There were 18 investigations opened with allegation of biased law enforcement actions, racial slurs, and disparaging comments or actions toward members of a protected class, and 13 investigations opened with allegations of inappropriate uses of force (eight within the jail facilities.)

The following allegation categories received 10 or less mentions each. There were 10 opened with allegations of employees belittling, humiliating, disrespecting other employees and spreading rumors and gossip; nine investigations alleging Deputies mishandled an investigation or call for service; nine investigations opened with allegations of employees driving unsafely or involved in at-fault vehicle accidents; eight investigations alleging untruthful statements by employees; eight investigations opened into employees being derelict in their assigned duties; eight investigations with allegations of workplace professionalism misconduct between employees (inappropriate sexual comments/actions and unwanted touching); and seven investigations into Deputies and Detention Officers abusing their authority.

Although not high in numbers overall, the following are a list of notable categories of investigations: six investigations involved allegations of retaliation for making a complaint and five investigations alleging Deputies and Dispatch personnel failed to act when assistance was requested from a member of the public.

#### ***Employee Potential Problematic Patterns and Trends***

The following employees have been identified as MCSO personnel with potential problematic patterns or trends of misconduct from investigations initiated between October 1, 2020 to December 31, 2020.

An employee was named in three IA investigations, however none of these follow any trend at this time.

An employee was named in three IA investigations. There are two with allegations stemming from sleeping on duty. The one involves allegations of profanity and the inappropriate use of force on an inmate.

**The following employees are each involved in two new IA investigations. These, over other employees with two IA investigations, have been noted due to a common trend of allegations.**

An employee was named in two IA investigations with allegations stemming from profanity and condescending speech to inmates.

An employee was named in two IA investigations with allegations stemming from placing female undergarments in a male inmate's cell to make fun of him.

An employee was named in two IA investigations with allegations stemming from rude and belittling behavior to both employees and members of the public.

An employee was named in two IA investigations with allegations stemming from unprofessional comments and rude behavior with members of the public.

An employee was named in two IA investigations with allegations stemming from inappropriate and unprofessional behavior.

This assessment as well as details and recommendations were sent to the Compliance Bureau Chief to discuss with the executive staff.

## I. Semi-Annual PSB Reviews of Investigations

The Professional Standards Bureau is responsible for conducting reviews, at least semi-annually, of all investigations assigned outside of the Bureau to determine whether the investigation is properly categorized, whether the investigation is being properly conducted, and whether appropriate findings have been reached.

The PSB has assigned District Liaison personnel to conduct reviews on investigations as they are submitted from the District. These liaisons utilize a review template/checklist addressing the above-listed investigation requirements. The use of the template/checklist has resulted in the improvement in the structure and procedural completeness of the investigations. These liaisons are also assigned to each District to aid the District investigators, should they have any questions, or need any advisement throughout the investigation.

The quality of investigations conducted at the District/Division level increased this reporting period, however the investigations still require improvement. The following concerns have been identified as areas needing improvement for District investigations: leading questions, improper findings, and insufficient investigations. It should be noted investigations conducted at the District/Division level improved at identifying policy, training, tactical, or equipment concerns.

Through the review process, the liaisons continue to specifically note the following trends found within these investigations<sup>11</sup>: improper policies for allegations, inappropriate finding choices, and administrative errors to include lack of documentation of action, formatting, and timeline details.

During this time, there were 16 investigations<sup>12</sup> where the District Division Commanders failed to identify issues within the report, prior to submitting them to the PSB. These issues mostly included a change of findings and not making reasonable attempts to interview individuals. Last reporting period, the districts added an extra layer of review at the Command level to ensure investigative completeness prior to PSB submission.

With the initial 40-hour training on Conducting Misconduct Investigations, the annual 8-hour training on Conducting Misconduct Investigations, the continued practice of conducting investigations, the ongoing advisement from PSB District liaisons, and now the additional Command-level review, the PSB expects to see continued improvement of misconduct investigations completed at the district level.

---

<sup>11</sup> It should be noted the investigations in this paragraph refer to any cases reviewed by the District liaison within the timeframe of this report, which could include investigations from the past several years.

<sup>12</sup> It should be noted the investigations in this paragraph refer to any cases reviewed by the District liaison within the timeframe of this report, which could include investigations from the past several years.

## Conclusion

Since the previous report, the Maricopa County Sheriff's Office (MCSO) has continued to improve processes to ensure misconduct investigations are completed thoroughly, accurately, and in a timely manner. The MCSO saw an increase in external complaints received; the approximate average of external complaints received was 15% more for this reporting period versus the last reporting period (January 2020 to June 2020.) When comparing the numbers of overall external complaints received from reporting period to reporting period, there is an upward trend. The MCSO continues to identify allegations of misconduct regarding Code of Conduct Practices (e.g., unbecoming conduct and failure to meet standards) with the goal to improve employee conduct office wide. The Professional Standards Bureau (PSB) could not identify a specific reason for the continued external allegations of misconduct regarding Code of Conduct Practices. Although the PSB started collecting complainant demographic information, a pattern or trend could not be identified due to the low response rate.

The data shows an average of 23 internally generated complaints per month. This is more than the reported average of the previous six months. The internal complaints received for 2020 are showing an upward trend however, between 2019 and 2020 there is an overall downward trend of complaints received. The most frequent allegations identified within the internal complaints received, involved Code of Conduct practices (e.g., employee relationships with other employees.) The PSB still attributes the decrease of the overall internal complaints to supervisor-initiated interventions, which allows supervisors to address minor misconduct to improve performance or behavior to prevent their progression to a misconduct investigation.

The PSB continues to track any cases with investigative concerns or corrections identified within division-investigated cases. Approximately 27% of assigned cases required investigative corrections. This is an 18% increase from the last six months. With expectations clearly defined, the district investigators are being held to a higher standard to complete more thorough investigations. The quality of investigations initially submitted by District-level investigators has decreased from the last reporting period which can be attributed to newly promoted personnel with limited experience conducting administrative investigations and a shortage of personnel necessary to complete patrol and administrative functions. Although these investigations require corrections, the investigative issues are being identified and handled to ensure investigative completeness and ensure these errors are not made in the future. This can be credited to the extra layer of review at the Command level added the previous reporting period.

Of the cases investigated within the Professional Standards Bureau, one was returned to the investigator due to conclusions not supported by the evidence and one returned for investigative corrections.

All investigations completed during this reporting period were 181% higher than the 180-day expectation set forth in Arizona statute and MCSO Policy GH-2, Internal Investigations. The PSB attributes the increased timeframes to the large and ever-increasing caseload of PSB investigators, the complexity of PSB investigations, and the extensive review process of District-investigated cases.

The Maricopa County Sheriff's Office categorizes policy violations as minor or serious misconduct, based on what the potential resulting discipline would be if the conduct were sustained. The type of discipline

imposed, minor or serious, depends upon the acts of misconduct, the mitigating and aggravating circumstances, and prior discipline. From January 2020 to December 2020, 49 employees were listed as the subject of more than two misconduct investigations, which is approximately 1% of all MCSO employees.

This report helps the Professional Standards Bureau have a more thorough understanding of any impediments affecting investigations completed within the Bureau and how the PSB is working toward compliance with current MCSO Policies. This report also helps MCSO achieve its goal of transparency with the community.